



Spring
2002



HOOSIER SAFETY

A Publication of
The Indiana State Emergency Management Agency
and Department of Fire and Building Services

TERRORISM CONSEQUENCE MANAGEMENT PROGRAM *EMERGENCY RESPONSE TO THE TERRORIST THREAT IS A MULTI-FACETED PROGRAM IN INDIANA*

Within the Indiana Comprehensive Emergency Management Plan is an element that addresses ***“consequence management and supporting efforts needed by Indiana in the event of a known, suspected or threatened terrorist incident occurring within its borders.”***

Since 1999 Indiana has received funding from the Federal Emergency Management Agency (FEMA) to provide technical assistance to all 92 Indiana counties for developing these plans. Since the tragic events of 9-11, this part of planning has become enormously important.

The Preparedness Division of the State Emergency Management Agency (SEMA) has contracted with Titan Systems Corporation, a firm expert in emergency management planning, to ensure that Terrorism Consequence Management, is adequately addressed in the planning process of all local jurisdictions. After plans are developed, Titan assists jurisdictions

with exercises to test the adequacy of the plans. The key in this process is that plans are not simply written and stored in a bookcase to gather dust. They are used as management tools and, when (notice that the operative here is ***when***, not ***if***) deficiencies are identified, plans are changed and updated.

Local Emergency Management Agency Directors are responsible for documenting the various emergency support functions that are available within their jurisdiction and, through this documentation, coordinating the use of these functions during an emergency whether it be an act of terrorism or a natural disaster. It is the responsibility of SEMA's Preparedness Division to ensure local Directors receive training in how the planning process can be most effectively used in coordinating the response to any situation.

Larry Long, Director of SEMA's

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Preparedness Division indicated that “Emergency Management Agency Directors are expected to coordinate response. The personnel who work in law enforcement, fire departments, transportation, emergency medical services - all are considered expert in their specialties. In the past, for example, it was not uncommon for a local Emergency Management Agency Director to be at the scene of a Hazardous Materials incident, directing traffic or providing assistance to Emergency Medical Services (EMS). What we stress now is management - coordination of all the available support functions rather than on-scene assistance. Leave response to those who have been trained in their various specialties. It works!”

Larry said further that another key point is to ensure that response agencies have proper/sufficient documentation - Standard Operating Procedures - tactical plans used to carry out particular functions which spell out what an agency will do under a given set of circumstances. This is one of the primary elements in the planning process that the Preparedness Division attempts to “teach” local (and state, for that matter) managers.

In addition to the planning focus of SEMA’s Preparedness Division, the State Fire Marshal’s Office, through the Public Safety Training Institute’s Fire and Hazardous Materials Academies, provide Emergency Response to Terrorism training (Basic Concepts and EMS) to Fire Services and EMS first responders. The Emergency Medical Services Division of SEMA is collaborating with the Fire Marshal’s Office on Train-the-Trainer classes for delivering this training.

It’s obvious that “terrorism planning, training and exercising” is a very complex and far-reaching effort. The program was not hastily developed in response to 9-11. We have been addressing this since 1997 with the formation of a state anti-terrorism task force that included representatives of state, local and federal agencies.

At this time, the Preparedness Division has completed updating the Indiana CEM Plan. Mr. Long feels that, with an aggressive effort, all 92 counties will have a Terrorism Consequence Management element in their respective plans by June 30th. ●

EMERGENCY RESPONSE TO TERRORISM: Tactical Considerations for Emergency Medical Services Train-the Trainer

The PSTI EMS Academy, in conjunction with the PSTI Fire Academy and the National Fire Academy, is offering a train-the-trainer course on Emergency Response to Terrorism. This 2-day course is designed for the first on-the-scene responding EMS personnel with the responsibility to render patient care to victims of terrorist incidents. The students will be trained in security considerations, identifying signs of terrorism, anticipating unusual response circumstances, assessing information, and initiating self-protection actions. The students will also apply their knowledge about responding to a terrorist event, providing patient care, identifying and preserving evidence, managing site safety, documenting the event, and debriefing personnel. ●

HOOSIER S A F E T Y

Spring 2002

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Hoosier Safety is a quarterly publication of the Indiana State Emergency Management Agency and the Department of Fire and Building Services

SEMA/DFBS/PSTI Annual Employee Recognition Day

The Indiana State Emergency Management Agency (SEMA)/Department of Fire and Building Services (DFBS)/Public Safety Training Institute (PSTI) held its annual employee recognition program for the year 2001 on February 13th. Each division named an employee of the year, or, as in one instance, employees. Additionally, this year's *James C. Pridgen Award of Excellence* was presented jointly to Rebecca Blagrove and Gary Robison. The division winners were: **Emergency Management** - Members of the Preparedness Division - Larry Long, Heather Stegerman, Brad Thatcher, David Barabee, Bruce Farrar, John Newcomer, and Carlos Garcia, along with Manuella Johnson from Technological Hazards; **Office of the State Fire Marshal** - Gary Robison; **Emergency Medical Services** - Rebecca Blagrove; **Office of the State Building Commissioner** - Calvin Stucker and **Executive Offices** - Donna Wisthoff.



Becky Blagrove receiving the Emergency Medical Services award from Director Ralston (Left) and Deputy Director for EMS, Mike Garvey

Calvin Stucker receives recognition for his superior performance from the Building Commissioner Steve Schulz (Right) as Director Ralston (Left) looks on.

Donna Wisthoff is recognized for assistance to both the General Counsel, Brad Gavin, (right) and Administrative Law Judge, Bill Teegarden, as Director Ralston (Left) looks on.



Recipients of the 2001 James C. Pridgen Award of Excellence are Rebecca Blagrove and Gary Robison flanked by Jim Pridgen (left) and Patrick Ralston (right).

Gary Robison receives award for work in the Indiana National Fire Incident Reporting System from Director Ralston and the Deputy State Fire Marshal Mike Bigler (right).

Manuella Johnson, with Director Ralston (Left) and Deputy Director for Emergency Management, Phil Roberts, was recognized along with members (not pictured) of SEMA's Preparedness Division (Larry Long, Brad Thatcher, David Barrabee, Bruce Farrar, Carlos Garcia, John Newcomer, and Heather Stegerman,) for their outstanding team effort in Planning, Training and Exercising.

About the James C. Pridgen Award of Excellence

James C. Pridgen is a dedicated and generous supporter of public safety in the State of Indiana. He is and has been actively involved in fire, EMS, law enforcement, and other public safety issues both at the local and state levels. Jim is an integral member of the Indiana State Emergency Response Commission and a number of its subcommittees. In 1998, in recognition of his exemplary service and commitment to improved public safety in the state, he was chosen as the namesake for the agencies' employee of the year award. Jim works for Cummins Engine in Columbus, serving as the liaison for emergency management support services world wide. As such, he is often the first private industry representative to arrive on the scene of major/catastrophic emergency/disaster events, standing at the ready to offer the services of Cummins in the response effort. Jim was solely responsible for the donation of a 60Kw, trailer mounted generator from Cummins. This generator supports all emergency field operations as well as the Mobile Command Center. ●

CITIZEN CORPS PROGRAM GAINS MOMENTUM

What is the Citizen Corps Program?

Citizen Corps is a component of President Bush's USA Freedom Corps initiative that will create opportunities for individuals to volunteer and participate in community emergency preparation, prevention and response activities. These are service activities that will make communities safer and better prepared to respond to emergencies. Citizen Corps includes five national programs that can be used at the local level by Citizen Corps Councils. They include:

- Community Emergency Response Team (CERT) Training. This program trains individuals in emergency preparedness and basic response techniques to enable them to provide critical support to first responders during emergencies.
- Medical Reserve Corps. Currently practicing and retired medical professionals will augment the emergency medical response community during large-scale emergencies. Volunteers can also support non-emergency public health needs throughout the year.
- Neighborhood Watch. An expanded program incorporates terrorism prevention and education into its existing crime prevention mission.
- Operation TIPS (Terrorism Information and Prevention System). This program taps millions of workers who, by the nature of their jobs, are well-positioned to recognize unusual events. Operation TIPS will provide them with a toll free number to report suspicious activity to the nearest FBI field office.
- Volunteers in Police Service (VIPS) provides volunteers for law enforcement by tapping volunteers to perform administrative and non-intervention policing activities to free up officers to be out in the community.

Citizen Corps was created to offer those who want to devote their energy and skills, in the aftermath of September 11, to helping their country and their communities by getting involved in activities that support emergency, crime, and natural disaster prevention, preparedness and response. Since it was launched, more than 25,000 Americans in all 50 states and territories have signed up to volunteer for Citizen Corps by calling 1-877-USA-Corps or logging on to www.citizencorps.gov.

Citizen Corps will be coordinated at the local level by Citizen Corps Councils that will bring together local elected officials, first responders, educational institutions, medical facilities, faith-based and community organizations, and civic, business, and industry leaders. The Councils will build a web of volunteer support for first responder activities by drawing on existing programs in their communities and helping to create new opportunities.

Ft Wayne One of First Communities to Create Citizen Corps Council

More than 40 communities around the country are launching Citizen Corps Councils to coordinate volunteer support for emergency preparedness, prevention and response. The Councils will coordinate the work already being done by citizen volunteers in communities around the country to create a platform for strengthening and expanding those volunteer activities.

In Fort Wayne, the City and Allen County are working to create a Citizen Corps Council that will incorporate the activities already underway at the Fort Wayne Regional Community Policing Institute – a comprehensive program offering innovative community policing education and training to community members. ●

*More information on these five programs will be included in the next issue of **Hoosier Safety**.*

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LEGAL BEAT -- Legal Issues Without Legalese

--by Brad Gavin, *General Counsel for DFBS/SEMA*. This column examines legal issues important to the building services, fire protection, emergency medical services and emergency management communities. The column's goals are to aid in understanding legal duties and to help solve legal problems before they arise. This column is informational only, and does not constitute legal advice.

LEGISLATIVE REVIEW: 2001-2002 SESSION

When the legislature adjourned on March 14, a number of bills had been passed that may impact or be of interest to the building services, fire protection, emergency medical services and emergency management communities. The majority of these new laws became effective on July 1, 2002. The following is a summary of some of these bills.

I. House Bill 1001-Antiterrorism Measures. This bill made a number of changes to Indiana Law that benefit the emergency management community. The following are some of the changes encompassed by this bill:

A. Counterterrorism and Security Council. On October 11, 2001, Governor O'Bannon issued an Executive Order to create this new Council and appointed Mr. Clifford Ong as the Council Director. This bill formalized the creation of this Council and requires the Governor to appoint an Executive Director for the Council.

- The Council was given the following duties:

- (1) Develop a strategy to enhance the state's capacity to prevent and respond to terrorism.
- (2) Develop a counterterrorism plan in conjunction with relevant state agencies, including a comprehensive needs assessment.
- (3) Review each year and update when necessary the plan developed under subdivision (2).
- (4) Develop in concert with the law enforcement training academy a counterterrorism curriculum for use in basic police training and for advanced in-service training of veteran law enforcement officers.
- (5) Develop an affiliate of the council in each county to coordinate local efforts and serve as the community point of contact for the council and the United States Office of Homeland Security.

- The Council's Executive Director is Indiana's:

- (1) Central coordinator for counterterrorism issues; and
- (2) Point of contact for:
 - (A) The Office of Domestic Preparedness in the United States Department of Justice; and
 - (B) The United States Office of Homeland Security.

B. Project Hoosier SAFE-T. The bill also provides that \$1.25 of the service charge for certain Bureau of Motor Vehicle transactions (approximately \$14.5 million per year) is to be used in paying the costs of an a statewide 800 MHz voice and data public safety communications system and authorizes the State Office Building Commission to issue bonds to finance construction of the system.

C. Additional Requirements to Obtain a Commercial Driver's License. The Bureau of Motor Vehicles must adopt rules that prohibit illegal aliens from obtaining a commercial driver's license (CDL) and that require an applicant for a CDL to be a resident of Indiana.

D. Statewide Mutual Aid Agreement. The State Emergency Management Agency is required to develop a statewide mutual aid program and a statewide mutual aid agreement. Whenever an employee of a party (a state agency or a county, municipality or township) to the statewide mutual aid agreement is rendering outside aid under the authority of the agreement, the employee has the same powers, duties, rights, privileges, and immunities as if the employee were performing the duties within the employee's normal jurisdiction. The statewide mutual aid agreement must provide for the following:

- (1) The procedures for the provision of mutual aid.
- (2) The term of the agreement and the method by which the agreement may be rescinded or terminated by a party before the termination date.
- (3) The terms and conditions governing reimbursement for any assistance provided.

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- (4) The terms and conditions governing insurance.
- (5) The terms and conditions governing the assignment of liability. A party to the agreement is not liable for a claim made against or arising out of conduct of any other party to the agreement or the personnel of another party.
- (6) The role of the State Emergency Management Agency.
- (7) Other terms and conditions needed to implement a statewide mutual aid program.

E. *Seizure of a Terrorist’s Assets.* It provides that a vehicle, money, or other assets may be seized if used in the commission of certain offenses as part of an act of terrorism.

F. *Explosives and Destructive Devices.* It establishes various requirements and criminal offenses concerning certain regulated explosives or destructive devices.

G. *Other Criminal Offenses.* It establishes or enhances various criminal penalties for:

- (1) Disorderly conduct on airport premises if it adversely affects airport security.
- (2) The use of the identity of another person with the intent to commit terrorism or to obtain a weapon of mass destruction.
- (3) Money laundering with the intent to further terrorism.
- (4) Possession of a weapon of mass destruction with the intent to carry out terrorism.
- (5) Dissemination of a substance with the intent to cause a person to believe that the substance is a weapon of mass destruction.
- (6) Interruption or impairment of work conducted in a food processing facility.

H. *Interim Study Committee on Terrorism.* It establishes an interim study committee to study issues related to terrorism.

II. House Bill 1015-Fuel Price Gouging. In the event the Governor declares an emergency a retailer can be penalized for charging a consumer an unconscionable amount for the sale of fuel.

III. House Bill 1029-Treatment For Exposure to VX Nerve Agents. This bill would allow the Emergency Medical Services Commission to establish training and certification standards to allow certain emergency medical personnel to carry and administer the antidote to the nerve agent VX. These new training and certification standards are limited to those basic and advanced emergency medical technicians that are working for providers located in the counties near the VX nerve agent storage site at the Newport Chemical Depot located in Vermillion County, Indiana. These counties are Fountain, Parke, and Vermillion, Vigo, Warren, Montgomery and Putnam.

IV. House Bill 1081-Line of Duty Health Care Expenses of Police and Firefighters. This bill requires a police or fire special service district, a town, a township, a fire protection district, or a provider unit in fire protection territories to pay the medical and hospital care expenses for a full-time, paid police officer or firefighter who is injured or contracts an illness in the line of duty.

V. House Bill 1214-Fire Safety and Exiting Requirements For Certain Child Care Providers. This bill adds additional fire safety and exiting requirements for child care providers participating in the federal Child Care and Development Fund (CCDF) voucher reimbursement program.

VI. House Bill 1215-CPR Certification in Child Care Settings. This bill requires that certain child care providers be annually certified in cardiopulmonary resuscitation (CPR).

VII. House Bill 1228-Floodway Regulation. This bill provides for the issuance of a permit Department of Natural Resources (DNR) for the construction of a structure in a floodway if certain conditions are met and the lowest floor of the structure will be one foot above the 100-year flood level. Existing rules of the DNR provide for the issuance of such a permit if the structure will be two feet above the 100-year flood level.

VIII. House Bill 1263-Township Firefighter Merit Employment System. This bill authorizes a township to establish a merit system for its fire department by resolution.

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IX. House Bill 1347-Public Safety Worker Occupational Disease or Death. This bill creates a presumption that an emergency services employee or a public safety employee who dies or is disabled because of a health condition caused by AIDS, anthrax, hepatitis, HIV, meningococcal meningitis, smallpox, or tuberculosis acquired while performing duties in the scope of the employee’s employment and meets other requirements has incurred a death or disability in the line of duty and provides for certain benefits due to the employee who has incurred death or a disability in the line of duty.

X. House Bill 1360-Build Indiana Fund. Before the enactment of this bill, BIF funds were limited to capitol projects of the state or political subdivisions and other entities with taxing powers. This bill expands the types of:

- (1) Entities eligible to receive money from the Build Indiana Fund (BIF) to include:
 - (A) All political subdivisions, including townships.
 - (B) Volunteer fire departments.
 - (C) State instrumentalities.
 - (D) Certain nonprofit organizations.
- (2) Projects that may be funded with BIF funds to include any state or local capital project, or acquisition of machinery, equipment, or furnishings which:
 - (A) Serves a governmental, recreational, cultural, community, health, charitable, scientific, public safety, literary, or educational purpose.
 - (B) Fosters amateur sports competition.
 - (C) Fosters prevention of cruelty to children.

XI. Senate Bill 60-DROP for police and firefighters. This bill establishes a Deferred Retirement Option Plan (DROP) for members of all police and firefighter pension funds. The bill also makes certain changes to the “dies in the line of duty” definition for the police and firefighter pension funds.

XII. Senate Bill 73-Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation. Prior to enactment of this bill, 60% of the revenue generated from the sales of the Hoosier Safety License Plate was distributed to the Emergency Management and Emergency Medical Services funds and 30% was distributed to the fund shared by the State Building Commissioner and the State Fire Marshal. This bill will distribute the license plate revenue equally between the funds established for projects of Emergency Management, Emergency Medical Services, State Building Commissioner, and State Fire Marshal.

XIII. Senate Bill 102-Licensing of Manufactured Home Installers. This bill establishes the Manufactured Home Installer Licensing Board to regulate installers of manufactured homes. The bill also sets the qualifications for licensed manufactured home installers. It provides that a person who installs manufactured homes without a license commits a Class B misdemeanor

XIV. Senate Bill 213-Use of Epinephrine by EMTs. This bill permits an emergency medical technician (EMT) or an advanced emergency medical technician to administer epinephrine to a person experiencing an allergic reaction or anaphylaxis. It requires the Emergency Medical Services Commission to establish training and certification standards for the administration of epinephrine.

XV. Senate Bill 214-Interference with Emergency Communication. The bill provides that a person who prevents another individual from:

- (1) making a 911 telephone call,
 - (2) obtaining medical assistance, or
 - (3) making a report to a law enforcement officer,
- commits interference with the reporting of a crime, a Class A misdemeanor.

Legislative Update - From the "Fire Side"

This year, the Indiana General Assembly passed a number of bills that positively affect the Office of the State Fire Marshal and fire departments around the state. SB 73, an agency bill, provided for a re-allocation of the funds raised from the sale of the Hoosier Safety license plates that will result in the OSFM having access to 22.5% of the amount of available grant funds, a significant increase over the prior funding. HB 1001 and SB 104 each erased a conflict between the rules of the Bureau of Alcohol, Tobacco and Firearms and the Indiana Fire Code with respect to explosive magazines.

The fire service gained an important tool in the effort to increase donations of fire equipment. Under HB 1208, a donor of fire equipment is granted immunity from liability if the donated equipment malfunctions or fails and someone is injured or killed (so long as the donor didn't have reason to know that the equipment was a problem). A very significant piece of legislation

affecting volunteer firefighters also is contained in HB 1208. It materially changes the "blue light" provision of current legislation, most notably:

- The consequences for misuse of the blue light authority and
- The conditions under which blue lights may be used.

In addition, HB 1360 gives volunteer fire departments the right to apply for Build Indiana grants in the name of the fire department, rather than having to have a political subdivision apply on behalf of the department.

Firefighters who are disabled or die from a health condition caused by a number of diseases, including, AIDS, anthrax, hepatitis, and small pox, while performing their duties as a firefighter (along with some other requirements) have now incurred that disability or death in the line of duty under the provisions of HB 1347. ●

Thanks to Mara Snyder, Office of the State Fire Marshal

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XVI. Senate Bill 488-Regulated Lifting Devices. The bill:

- (1) Sets the qualifications for licensed elevator contractors, inspectors and mechanics and requires that regulated lifting devices be installed and maintained by licensed personnel.
- (2) Requires the Fire Prevention and Building Safety Commission to adopt and periodically update regulated lifting device rules to keep up with certain national standards, including: ANSI A10.4 (Safety Requirements for Personnel Hoists); ASME A17.1 (Safety Code for Elevators and Escalators); ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts); ASME QE1-1 (Standard for the Qualification of Elevator); The American Society of Civil Engineers Automated People Mover Standard 21; ANSI A90.1 Safety Code for Manlifts, and ASME A17.3 (Safety Code for Existing Elevators and Escalators).
- (3) Establishes certain conditions and requirements for installation permits and operating certificates for regulated lifting devices.
- (4) Allows the Fire Prevention and Building Safety Commission to adopt rules to establish fees for the issuance of various permits and licenses relating to regulated lifting devices and regulated boiler and pressure vessels, and repeals these fees that were set in statute.
- (5) Adds a member to the Fire Prevention and Building Safety Commission from the masonry construction industry
- (6) Provides that the position on the Fire Prevention and Building Safety Commission currently held by a local building commissioner may in the future be held by either a local building commissioner or a local building inspector.

XVII. Senate Bill 508-Regulation of dams. This bill requires the Department of Natural Resources (DNR) to classify dams according to hazard level. The bill specifies that the Department has permitting authority for the construction and operation of a dam and changes the inspection schedule based upon hazard levels.

The full text of each of these bills can be obtained from the Indiana General Assembly's web page at http://www.state.in.us/serv/lga_billinfo.

Do you have a legal question? Contact Brad Gavin at (317) 233-4928 or at bgavin@sema.state.in.us and it may become the basis of a future column. ●